

Appl. No. : 10/614,623
Filed : July 7, 2003

REMARKS

The February 27, 2008 Office Action was based upon pending Claims 1-15, 17-22 and 25-29. Claims 1-8 and 17-22 were allowed. This Amendment amends Claims 10, 13-15, 27 and 28 and cancels Claims 9, 25 and 26. In addition, Applicant has submitted new claims 30 and 31.

Thus, after entry of this Amendment, Claims 1-8, 10-15, 17-22 and 27-31 are pending and presented for further consideration.

INTERVIEW

Applicant would like to thank Examiner Lee for the interview extended to Applicant's counsel of record, John R. King, on March 5, 2008. During the interview, Applicant discussed allowed Claim 28 and the submission of new Claims 30 and 31. Accordingly, Applicant has drafted new Claims 30 and 31 along the lines discussed in the interview.

ISSUES RAISED IN OFFICE ACTION

The Office Action allowed Claims 1-12 and 17-22.

The Office Action also objected to Claims 27-29 as being dependent upon a rejected base claim, but would be allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In addition, the Office Action rejected Claims 9 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,412,731 to Desper (hereinafter "Desper").

Furthermore, the Office Action rejected Claims 25 and 26 under 35 U.S.C. §102(e) as being anticipated by Desper.

ALLOWABLE SUBJECT MATTER – CLAIMS 1-12 AND 17-22

The Office Action allowed Claims 1-12 and 17-22 and hence these claims remain pending in this response.

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OBJECTION TO CLAIMS 27-29

The Office Action also objected to Claims 27-29 as being dependent upon a rejected base claim, but would be allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly Applicant has rewritten Claims 27 and 28 in independent form including all of the limitations of base claim 26.

Dependent Claim 29 depends from rewritten Claim 28 and is believed to be allowable for the same reasons as Claim 28 and because of the additional limitations recited therein.

REJECTION OF CLAIMS 9 AND 13-15 UNDER 35 U.S.C. §103(a)

The Office Action rejected Claims 9 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Desper. While Applicant disagrees with the substance of the rejections raised in the Office Action, Applicant has canceled Claim 9 and revised Claims 13 -15 to depend from allowable Claim 10 so that the allowed claims can proceed to issuance.

Applicant notes that Applicant is not conceding in this application that previously pending claims 9 and 13 – 15 are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

REJECTION OF CLAIMS 25 AND 26 UNDER 35 U.S.C. §102(e)

The Office Action rejected Claims 25 and 26 under 35 U.S.C. §102(e) as being anticipated by Desper. While applicant disagrees with the substance of the rejections raised in the Office Action, Applicant has canceled Claims 25 and 26 so that the allowed claims can proceed to issuance.

Applicant notes that Applicant is not conceding in this application that previously pending Claims 25 and 26 are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

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NEW CLAIMS

Applicant hereby submits new Claims 30 and 31. As discussed in the interview, Applicant believes Claims 30 and 31 are patentable over the cited references. Modifying the difference information is described throughout the patent application including, for example, paragraphs [0030], [0034] and [0057].

NO DISCLAIMERS OR DISAVOWALS

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

STATUS OF OTHER APPLICATIONS

Applicant has provided the following table to aid the Examiner during prosecution. The following U.S. issued patents and patent applications claim a priority benefit under Section 120 of U.S. Patent Application No. 08/430,751 (now U.S. Patent No. 5,661,808) have at least one listed inventor or assignee in common with the present application:

| App. No. | Filing Date | Attorney No. | Title of Invention |
|-----------------|--------------------|---------------------|---------------------------|
| 08/430,751 | 04/27/95 | SRSLABS.053A | Stereo Enhancement System |
| 08/770,045 | 12/19/96 | SRSLABS.053C1 | Stereo Enhancement System |
| 09/211,953 | 12/15/98 | SRSLABS.053C2 | Stereo Enhancement System |

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| App. No. | Filing Date | Attorney No. | Title of Invention |
|-----------------|--------------------|---------------------|---------------------------|
| 10/614,623 | 07/15/98 | SRSLABS.053C3 | Stereo Enhancement System |
| 11/777,127 | 07/15/98 | SRSLABS.053C4 | Stereo Enhancement System |

Applicant understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

However, if the Examiner cannot readily access such file histories through the foregoing computing systems, Applicant is willing to provide any portion of the file histories at any time upon specific Examiner request.

RESCISSION OF ANY PRIOR DISCLAIMERS AND REQUEST TO REVISIT ART

The claims of the present continuation application are of different scope and at least some claims are believed to be broader in scope in certain aspects than the claims in previous U.S. Patent Application No. 08/430,751 (now U.S. Patent No. 5,661,808), U.S. Patent Application No. 08/770,045 (now U.S. Patent No. 5,892,830), and U.S. Patent Application No. 09/211,953 (now U.S. Patent No. 6,597,791). In particular, in these previous applications, Applicant received allowance over at least U.S. Patent Nos. 4,748,669.

To the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, the Applicants hereby rescind and retract such disclaimer. Accordingly, the above-listed reference, or other listed or referenced art may need to be re-visited.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

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Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-25-08

By: John R. King
John R. King
Registration No. 34,362
Attorney of Record
Customer No. 20,995
(949) 760-0404

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